CALIFORNIA CODE OF REGULATIONS
TITLE 14. DIVISION 1.
SUBDIVISION 4. OFFICE OF OIL SPILL PREVENTION AND RESPONSE
CHAPTER 1. GENERAL DEFINITIONS AND ABBREVIATIONS
Amended October 16, 2008

790. DEFINITIONS AND ABBREVIATIONS.

Subsection (a) through (o)(5): No change

(6) "Oil Pollution Risk Area" or "OPRA" , means a designated geographic location within a High Volume Port where an oil spill could occur. OPRAs are identified by latitude and longitude coordinates.

(~~6~~ 7) "Oil Spill Contingency Plan" or "contingency plan" means the oil spill contingency plan required pursuant to Sections 815.03 and 825.03 of this subdivision.

(~~7~~ 8) "Oil Spill Response Organization" or OSRO means an individual, organization, association, cooperative, or other entity that provides, or intends to provide, equipment, personnel, supplies, or other services directly related to oil spill containment, cleanup, or removal activities.

(A) A "Rated OSRO" means an OSRO that has received a satisfactory rating from the Administrator for a particular rating level established pursuant to Section 819.01 of this subdivision.

(B) "OSRO" does not include an owner or operator with an oil spill contingency plan approved by the Administrator or an entity that only provides spill management services, or who provides services or equipment that are only ancillary to containment, cleanup, or removal activities.

(~~8~~ 9) "Oil Transfer System" means that system as described in 33 CFR Part 154, Subpart(c).

(~~9~~ 10) "Operator" see "Owner or Operator".

(~~10~~ 11)"Operating" means, in terms of a tanker, barge or nontank vessel, either:

i) the transferring and/or transporting of oil, or

ii) that the tanker, barge or nontank vessel is not at anchor, is not made fast to the shore or an anchored tanker, barge or nontank vessel, or not aground.

(~~11~~ 12) "OSPR" means the Office of Spill Prevention and Response in the Department of Fish and Game.

(~~12~~ 13) "OSRO" means Oil Spill Response Organization.

(~~13~~ 14) "Owner or Operator" means any of the following:

(A) in the case of a tanker, barge or nontank vessel, any person who owns, has ownership interest in, operates, charters by demise, or leases the tanker, barge, or nontank vessel;

(B) in the case of a marine facility or a marine terminal, any person who owns, has an ownership interest in, or operates the marine facility or the marine terminal;

(C) except as provided in subparagraph (D), in the case of any tanker, barge, nontank vessel or marine facility, title or control of which was conveyed due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar means, to an entity of state or local government, the owner or operator is any person who owned, held an ownership interest in, operated, or otherwise controlled activities concerning the tanker, barge, nontank vessel or marine facility immediately before the conveyance;

(D) an entity of the state or local government which acquired ownership or control of a tanker, barge, nontank vessel or marine facility, when the entity of the state or local government has caused or contributed to a spill or discharge of oil into marine waters;

(E) "Owner" or "Operator" does not include a person who, without participating in the management of a tanker, barge, nontank vessel or marine facility, holds indicia of ownership primarily to protect his or her security interest in the tanker, barge, nontank vessel or marine facility;

(F) "Operator" does not include any person who owns the land underlying a marine facility or the facility itself if the person is not involved in the operations of the facility.

(~~14~~ 15) "Owners' equity", as defined by GAAP, means the difference between total assets and total liabilities.

Subsection (p) through (w): no change.

CHAPTER 3. OIL SPILL PREVENTION AND RESPONSE PLANNING
SUBCHAPTER 3. OIL SPILL CONTINGENCY PLANS
SECTIONS 815.01 – 816.06

Sections 815.01 through 818.02(e)(3)(A): No change.

(B) Daily Recovery Rate

On-scene Times		2 hour (i)	**4 hours (ii)**	6 hours (ii)	12 hours	18 hours	24 hours	36 hours	60 hours
High Volume Ports	On-water Recovery	3,125	**13,280**	23,437	23,437	**27,343**	31,250	46,875	78,125
	Containment Booming	**2,000**							
Facility Transfer Areas & Santa Barbara Channel	On-water Recovery	3,125		**6,250**	19,531	**23,437**	**25,390**	35,156	66,406
Balance of the Coast	On-water Recovery	3,125		**3,750**	**11,719**	15,625	**19,531**	31,250	62,500

i At the facility/transfer points within facility transfer areas or during transfers at anchorage designations within the High Volume Ports, there must be 3,125 barrels/day, or 10% of the vessel's cargo capacity, whichever is less, of on-water recovery capability that can be mobilized and on-scene within two hours of notification. If a facility/transfer point within a High Volume Port maintains and can immediately deploy containment equipment for a 3,125 barrel spill, or 10% of the vessel's cargo capacity, whichever is less, the initial on-water recovery capability can be on-scene within three hours rather than two hours.

The 2,000 feet of containment boom is required within one-half (1/2) mile of identified Oil Pollution Risk Areas (OPRAs), which are found at the following latitude/longitude locations:

For the San Francisco Bay/Sacramento-San Joaquin Delta:
Suisun Bay-Bencia Bridge: 38 2.5N; 122 7.5W
Carquinez Bridge: 38 3.6N; 122 13.6W
Deep Water Channel: 38 2.5N; 122 21.9W
San Pablo Bay-Richmond/San Rafael Bridge: 37 56.1N; 122 26.8W
San Francisco Central Bay: 37 50.5N; 122 26.0W
San Francisco Bay Bridge: 37 47.9N; 122 22.6W
South Bay – Oakland/Anchorage 9: 37 41.5N; 122 16.2W
San Mateo Bridge: 37 35.1N; 122 15.0W

For the Los Angeles/Long Beach Harbor:
LA/Long Beach Queens Gate: 33 43.4N; 118 10.9W

ii. Tank vessels that transit: 1) inward of the inland line of demarcation as described in 33 CFR, Section 80.1142 for San Francisco harbor, and 2) inwards of a six nautical mile radius of Long Beach Light (LLNR 3025) [33-43.4N, 118-11.2W] outside the entrance to the Los Angeles/Long Beach Harbors on the Los Angeles and Long Beach Harbor Chart #18751, shall have the initial 13,280 bbls/day on-water recovery capability at the scene of the spill within four hours; and the initial 23,437 bbls/day on-water recovery capability at the scene of the spill within six hours;

~~1. Vessels that transit in High-Volume Ports.~~

~~DELIVERY TIME (HRS)~~	~~12~~	~~24~~	~~36~~	~~60~~
~~BBLS/DAY CAPABILITY~~	~~23,437~~	~~31,250~~	~~46,875~~	~~78,125~~

~~i. Tank vessels that transit: 1) inward of the inland line of demarcation as described in 33 CFR, Section 80.1142 for San Francisco harbor, and 2) inwards of a six nautical mile radius of Long Beach Light (LLNR 3025) [33-43.4N, 118-11.2W] outside the entrance to the Los Angeles/Long Beach Harbors on the Los Angeles and Long Beach Harbor Chart #18751, shall have the initial 23,437 bbls/day on-water recovery capability at the scene of the spill within six hours.~~

~~ii in addition, at the facility/transfer points or during transfers at anchorage designations within the High Volume Ports, there must be 3,125 barrels/day, or 10% of the vessel's cargo capacity, whichever is less, of on-water recovery capability that can be mobilized and on-scene within two hours of notification;~~

iii. if a facility/transfer point within a High Volume Port maintains and can immediately deploy containment equipment for a 3,125 barrel spill, or 10% of the vessel's cargo capacity, whichever is less, the initial on-water recovery capability can be on-scene within three hours rather than two hours.

2. Vessels Operating in Facility/Transfer Areas or the Santa Barbara Channel Area.

DELIVERY TIME (HRS)	12	36	60
BBLS/DAY CAPABILITY	19,531	35,156	66,406

i. in addition, at the facility/transfer points within the Facility/Transfer Areas and the Santa Barbara Channel Area there must be 3,125 barrels/day, or 10% of the vessel's cargo capacity, whichever is less, of on-water recovery capability that can be mobilized and on-scene within two hours of notification;

ii. if a facility/transfer point within a Facility/Transfer Area or the Santa Barbara Channel Area maintains and can immediately deploy containment equipment for a 3,125 barrel spill, or 10% of the vessel's cargo capacity, whichever is less, the initial on-water recovery capability can be on-scene within three hours rather than two hours.

iii. for those points where transfers occur infrequently, and where there is not permanent equipment present, the 3,125 barrel/day, or 10% of the vessel's cargo capacity, whichever is less, on-water response capability shall be brought to the site at the time of transfer;

iv. for infrequent transfers of non-persistent oil, the initial response requirement may be waived by application to the Administrator. The application for waiver must include a justification based on such factors as the location of the transfer point, proximity to response equipment, additional equipment in the immediate area, and the relative environmental sensitivity of the potential spill sites.

3. Vessels that transit along the Balance of the Coast within California marine waters.

~~DELIVERY TIME (HRS)~~	~~18~~	~~36~~	~~60~~
~~BBLS/DAY CAPABILITY~~	~~15,625~~	~~31,250~~	~~62,500~~

~~i. in addition, at the facility/transfer points or during transfers at anchorage designations within the Balance of the Coast there must be 3,125 barrels/day, or 10% of the vessel's cargo capacity, whichever is less, of on-water recovery capability that can be mobilized and on-scene within two hours of notification;~~

~~ii. for infrequent transfers of non-persistent oil, the 3,125 barrel/day or 10% of the vessel's cargo capacity, whichever is less, on-water recovery capability requirement may be waived by application to the Administrator. The application for waiver must include a justification based on such factors as the location of the transfer point, proximity to response equipment, additional equipment in the immediate area, and the relative environmental sensitivity of the potential spill sites.~~

Section 827.02(e)(3)(C) through 827.02(h)(2)(A): No change.

(B) Delivery Times

NONTANK VESSELS

On-scene Times		2 hour (i)	**4 hours (ii)**	6 hours	12 hours	18 hours
High Volume Ports	On-water Recover (bbls)	2500 bbls or 10% whichever is less	**RWCS**			
	Containment Booming (ft)	**2,000**				
Facility Transfer Areas & Santa Barbara Channel		2500 bbls or 10% whichever is less		**RWCS**		
Balance of the Coast		2500 bbls or 10% whichever is less			**RWCS**	

i. When conducting bunkering operations within the High Volume Ports and the ports of Stockton and Sacramento, there must be 2500 barrels/day or 10% of the nontank vessel's total fuel capacity, whichever is less, of on-water recovery capability that can be mobilized and on-scene within two hours of notification. If containment equipment for a 2500 barrel spill, or 10% of the nontank vessel's total fuel capacity, whichever is less, can immediately be deployed, the initial on-water recovery capability can be on-scene within three hours rather than two hours.

The 2,000 feet of containment boom is required within one-half (1/2) mile of identified Oil Pollution Risk Areas (OPRAs), which are found at the following latitude/longitude locations:

For the San Francisco Bay/Sacramento-San Joaquin Delta:
Suisun Bay-Bencia Bridge: 38 2.5N; 122 7.5W
Carquinez Bridge: 38 3.6N; 122 13.6W
Deep Water Channel: 38 2.5N; 122 21.9W
San Pablo Bay-Richmond/San Rafael Bridge: 37 56.1N; 122 26.8W
San Francisco Central Bay: 37 50.5N; 122 26.0W
San Francisco Bay Bridge: 37 47.9N; 122 22.6W
South Bay – Oakland/Anchorage 9: 37 41.5N; 122 16.2W
San Mateo Bridge: 37 35.1N; 122 15.0W

For the Los Angeles/Long Beach Harbor:
LA/Long Beach Queens Gate: 33 43.4N; 118 10.9W

ii. nontank vessels that transit: 1) inward of the inland line of demarcation as described in 33 CFR Section 80.1142 for San Francisco harbor; 2) inwards of a six nautical mile radius of Long Beach Light (LLNR 3025) [33-43.4N, 118-11.2W] outside the entrance to the Los Angeles/Long Beach Harbors on the Los Angeles and Long Beach Harbor Chart #18751; and 3) the Ports of Stockton and Sacramento, shall have the on-water recovery capability to address the nontank vessel's reasonable worst case spill volume at the scene of the spill within four hours.

iii. In addition nontank vessels, when not conducting bunkering operations, but when operating in the Ports of Stockton and Sacramento shall have containment boom and associated deployment equipment for a 2500 barrel spill pre-staged such that it can be immediately deployed.

~~1. Nontank vessels operating in High-Volume Ports (as defined in Section 790 of this subdivision) shall have the on-water recovery capability to address the nontank vessel's reasonable worst case~~

spill volume at the scene of the spill within 12 hours of notification, except as provided below:

i. nontank vessels that transit: 1) inward of the inland line of demarcation as described in 33 CFR Section 80.1142 for San Francisco harbor; 2) inwards of a six nautical mile radius of Long Beach Light (LLNR 3025) [33-43.4N, 118-11.2W] outside the entrance to the Los Angeles/Long Beach Harbors on the Los Angeles and Long Beach Harbor Chart #18751; and 3) the Ports of Stockton and Sacramento, shall have the on-water recovery capability to address the nontank vessel's reasonable worst case spill volume at the scene of the spill within six hours.

ii. in addition, when conducting bunkering operations within the High Volume Ports and the ports of Stockton and Sacramento, there must be 2500 barrels/day or 10% of the nontank vessel's total fuel capacity, whichever is less, of on-water recovery capability that can be mobilized and on-scene within two hours of notification;

iii. if containment equipment for a 2500 barrel spill, or 10% of the nontank vessel's total fuel capacity, whichever is less, can immediately be deployed, the initial on-water recovery capability can be on-scene within three hours rather than two hours.

iv. In addition nontank vessels, when not conducting bunkering operations, but when operating in the Ports of Stockton and Sacramento shall have containment boom and associated deployment equipment for a 2500 barrel spill pre-staged such that it can be immediately deployed.

2. Nontank vessels operating in Facility/Transfer Areas or the Santa Barbara Channel Area (as defined in Section 790 of this subdivision) shall have the on-water recovery capability to address the nontank vessel's reasonable worst case spill volume at the scene of the spill within 12 hours of notification.

   i. in addition, when conducting bunkering operations within the Facility/Transfer Areas or the Santa Barbara Channel Area, there must be 2500 barrels/day, or 10% of the nontank vessel's total fuel capacity, whichever is less, of on-water recovery capability that can be mobilized and on-scene within two hours of notification;

   ii. if containment equipment for a 2500 barrel spill, or 10% of the nontank vessel's total fuel capacity, whichever is less, can immediately be deployed, the initial on-water recovery capability can be on-scene within three hours rather than two hours.

   iii. In addition, nontank vessels, when not conducting bunkering operations but when operating in Humboldt Bay and Monterey Bay, shall have containment boom and associated deployment

~~equipment for a 2500 barrel spill pre-staged such that it can be immediately deployed.~~

~~3. Nontank vessels that transit along the Balance of the Coast (as defined in Section 790 of this subdivision), within marine waters shall have the on-water recovery capability to address the nontank vessel's reasonable worst case spill volume at the scene of the spill within 18 hours of notification.~~

~~i. in addition, when conducting bunkering operations within the Balance of the Coast there must be 2500 barrels/day, or 10% of the nontank vessel's total fuel capacity, whichever is less, of on-water recovery capability that can be mobilized and on-scene within two hours of notification.~~

(3) On-Water Response Equipment and Services

(A) Each plan shall demonstrate that the nontank vessel owner/operator has under contract or other approved means (as defined in Section 825.05 of this subchapter), access to all necessary response resources to comply with the required containment booming and on-water recovery established pursuant to Subsection 827.02(h)(2)(B). The amount of response equipment required will take into account the ~~derated~~ effective daily recovery capacity (as defined in Chapter 1, Section 790 of this subdivision) of the equipment.

Section 827.02(h)(3)(B) through 827.02(n): No change.